

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America,
Government

v.

Criminal No. 05-cr-057-SM

Gordon C. Reid,
Defendant

O R D E R

The Assented-To Motion for Competency Evaluation Under
18 U.S.C. § 4241(a) (document no. 575) is granted.

A psychiatric or psychological examination of the defendant
shall be conducted and a report shall be filed with the court
pursuant to the provision of 18 U.S.C. section 4247(b) and (c).
See also 18 U.S.C. § 3552(c) and § 4244(b). A copy of the
assented-to motion shall be appended to this order.

The examination shall be conducted at FMC, Fort Devens,
Ayer, Massachusetts, in order to facilitate the government's
supervision of defendant's rights of access to legal material and
the courts.

The focus, but not a limit, on the psychiatric or psychological evaluation shall be defendant's apparent claim that he may suffer from some degree of mental deficiency based upon "toxicity" (related to an earlier period of high security confinement) and/or post-traumatic stress syndrome.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

July 19, 2007

cc: Donald A. Feith, Esq.
Robert M. Kinsella, Esq.
Gordon C. Reid, pro se
Michael J. Iacopino, Esq.
U.S. Probation
U.S. Marshal

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:05-CR-57-01-SM
)	
GORDON REID)	

**GOVERNMENT'S ASSENTED-TO MOTION FOR COMPETENCY EVALUATION
UNDER 18 U.S.C. § 4241(a)**

The United States of America, by and through Thomas P. Colantuono, United States Attorney for the District of New Hampshire, moves this Court to order that the defendant undergo a competency evaluation conducted by the Bureau of Prisons. In support of its motion, the United States avers:

The defendant was convicted of violating the Hobbs Act on December 13, 2006. The defendant appeared at a sentencing hearing on June 4, 2007 and indicated that he wanted to seek an evaluation as to whether or not he was suffering either from post traumatic stress disorder or "toxicity" at the time he committed the robbery of the Hess Gas Station and Convenience store in Concord, New Hampshire. The defendant consented to an evaluation to determine the extent, if any, of his diminished capacity from PTSD or toxicity. The United States represented that it would investigate which Bureau of Prison facilities were capable of conducting the evaluation while also providing access to legal materials so that the defendant could continue to prepare for sentencing. The government has identified FMC Ft. Devens, MA., FMC Carswell, Ft. Worth, Texas, FMC Lexington, Kentucky, and FMC Rochester, Minnesota as facilities that provide both evaluation services and access to legal materials.

Under 18 U.S.C. § 4241, the government may file a motion for a hearing to determine the defendant's competency at any time after the commencement of a prosecution for an offense and

prior to the sentencing. Under 18 U.S.C. § 4241(b), the court may order a psychiatric or psychological examination of the defendant prior to the date of the hearing. The court may further order that a report of the examination be filed with the court. See 18 U.S.C. § 4247(b), (c).

The government requests that this court order the defendant to be evaluated at FMC, Fort Devens, Ayer, Massachusetts. The government requests that the defendant be evaluated by the Bureau of Prisons and that the Bureau's report on the defendant's mental conditions be submitted to the Court.

The defendant assents to this motion.

WHEREFORE, the United States moves this Honorable Court to:

- A. Order the defendant's mental competency to be evaluated by the Bureau of Prisons at FMC Devens, Ayer, Massachusetts prior to such hearing;
- B. Order that the defendant be allowed access to the law library to conduct legal research which is critical to the claims he wishes to pursue at the sentencing; and
- C. Direct the Bureau to submit a report meeting the requirements of 18 U.S.C. § 4247(c) to the Court for the purposes of determining the defendant's competence.

Respectfully submitted,

THOMAS P. COLANTUONO
United States Attorney

/s/ Donald Feith
Donald Feith
N.H. Bar Assoc. # 783
55 Pleasant Street, 4th Floor
Concord, New Hampshire 03301
(603) 225-1552

CERTIFICATION

I hereby certify that a copy of this pleading has been mailed by first-class mail, postage prepaid, to the defendant, Gordon Reid, Essex County Department of Corrections 20 Manning Avenue, Middleton, MA 01949, and served by ECF to Michael Iacopino, Esq. 85 Brook Street, Manchester, NH 03104 via electronic filing on June 14, 2007.

/s/ Donald Feith

Donald Feith

Assistant U.S. Attorney